UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Sam Gordon WHITESIDE,** Defendant.	'08 MJ 2139 Magistrate Case No. COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1324(a)(2)(B)(iii) Bringing in Illegal Alien(s) Without Presentation

The undersigned complainant being duly sworn states:

On or about **July 13, 2008**, within the Southern District of California, defendant **Sam Gordon WHITESIDE,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Salvador CISNEROS-Galvan,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESCENCE, THIS 14th DAY OF **JULY, 2008.**

UNITED STATES MAGISTRATE JUDGE

CATHY ANN BENCIVENGO
U.S. MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Salvador CISNEROS-Galvan** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 13, 2008 at approximately 4:55 AM, **Sam Gordon WHITESIDE (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry as the driver and sole visible occupant of a 1995 Isuzu Rodeo. A United States Customs and Border Protection (CBP) Canine Enforcement Officer screened the vehicle utilizing his Human Detector Dog and received an alert to the undercarriage of the vehicle. Defendant presented his valid California driver license bearing his name and photo to another CBP Canine Enforcement Officer. Defendant stated he was not bringing anything from Mexico and that he was returning to his home in Capistrano Beach, California. Defendant further stated he was the registered owner of the vehicle and presented a counterfeit vehicle registration bearing his name to the CBP Canine Enforcement Officer. Defendant stated he traveled to Tijuana to have a good time, and has been traveling to Tijuana during the weekends for the last several weeks. A CBP Canine Enforcement Officer conducted an inspection of the vehicle and noticed what appeared to be a non-factory compartment located underneath the vehicle. Defendant and the vehicle were subsequently escorted to secondary for further inspection.

In secondary, a CBP Enforcement Officer removed the rear seat and carpet of the vehicle to reveal an access panel opening to the non-factory compartment located underneath the vehicle. Two male human beings were discovered concealed inside the non-factory compartment and were extricated from the vehicle. The two concealed individuals were determined to be citizens of Mexico without entitlements to enter the United States. One was retained as a Material Witness and is now identified as **Salvador CISNEROS-Galvan (Material Witness).**

During a video recorded proceeding, Material Witness declared he is a citizen of Mexico without legal rights or documents to enter the United States. Material Witness stated he was going to pay $4,000.00 USD to be smuggled into the United States. Material Witness stated he was going to Stockton, California to resume residency and seek employment.